

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
05 September 2023**

**Report Title:** Public Space Protection Order – Gating Consultation Update

**Submitted by:** Service Director – Neighbourhood Delivery

**Portfolios:** Community Safety and Wellbeing

**Ward(s) affected:** Newchapel and Mow Cop, Cross Heath, Town, May Bank and Wolstanton

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To provide the committee with the outcome of the final 6 week public consultation on the proposed partial/full closures of 3 Public Rights of Way in the Borough of Newcastle-under-Lyme.	
<b><u>Recommendation</u></b>	
That (Committee):-	
1. Consider the content of this report and give approval for a Public Space Protection Order for Gating to be granted by Newcastle-under-Lyme Borough Council as per appendix 1.	
<b><u>Reasons</u></b>	
Following ongoing reports of anti-social behaviour at 3 locations in the Borough of Newcastle-under-Lyme, the Council is seeking to use its powers to impose prohibitions to restrict anti-social behaviour and arson in the locality through restricted and partially restricted public rights of way.	

**1. Background**

1.1 A Public Space Protection Order is a tool under the Anti-social Behaviour, Crime and Policing Act 2014. This legislation allows for an Order to identify a particular space or area in which it is applied, and make requirements or prohibitions, or both within that space or area. This means that the Local

Authority can, by virtue of the Order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The Order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect.

- 1.2** Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue a Fixed Penalty Notice (FPN) to discharge liability to convict (S67 & 68 of the ASB, Crime and Policing act).

## **2. Issues**

- 2.1** This is the first application for a Public Space Protection Order in relation to existing gating on Public Rights of Way (PROW) and future gating projects in the Borough. The following PROW will be affected by this Order.

- Newcastle 143 – this has been gated for a number of years due to crime and anti-social behaviour.
- Kidsgrove 19 – has been subject to a partial closure with the neighbouring properties opening and closing the gate on a daily basis.
- Newcastle 132 – proposed location due to ongoing issues with anti-social behaviour and arson.

## **2.2 Statistics**

Anti-Social Behaviour statistics from the Borough Council –

- Public right of way 'Newcastle 132' (Beattie Avenue)  
2020 2 incidents reported to the Council reference fires  
2022 5 incidents reported to the Council reference fires and two incident reported reference antisocial behaviour.
- Public right of way 'Kidsgrove 19' (High Street, Newchapel)  
2020 1 incident of antisocial behaviour reported for the park  
2022 1 incident of antisocial behaviour reported for the park.
- Public right of way 'Newcastle 143' (Gated alley off Church Lane , Wolstanton)

No specific reports to the Council for the location.

Anti-Social Behaviour statistics from the Police -

- Public right of way 'Newcastle 132' (Beattie Avenue)  
2022 4 incidents involving fires.
- Public right of way 'Kidsgrove 19' (High Street, Newchapel)  
No incidents reported to the Police.
- Public right of way 'Newcastle 143' (Gated alley off Church Lane ,  
Wolstanton)  
2022 6 incidents specifically around High St, Church St and Knutton  
Road and Alexandra Road and 27 other antisocial related  
incidents in the surrounding area.  
2021 4 incidents of ASB out of a total of 29  
2020 1 incident of ASB out of a total of 5

2.2.1 The draft Order as shown as Appendix 1 to this report, highlights the locations which are proposed to be subject to a PSPO. This will include the full closure or partial closure of designated Public Rights of Way. This is highlighted on Appendices 2, 3 and 4 which are attached to this report.

The proposed prohibitions:

1. The public right of way known as 'Newcastle 132' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for 'Newcastle 132' is via Honeywood as per Appendix 1.
3. The public right of way known as 'Newcastle 143' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as 'Kidsgrove 19' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order (Appendix 3) , shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.
5. The occupiers of the neighbouring properties to 'Kidsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kidsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

## **2.3 Consultation**

Following the final 6 week consultation period (the results can be found at Appendix 5), the committee is now provided with an update on the consultation, and asked to make any necessary changes to the proposed Order before approving it.

### **2.3.1 Key Findings:**

- 70 respondents – all responded to Newcastle 132;11 responded to Kidsgrove; 19 responded to Newcastle 143
- Almost complete 'support' for each question
- All respondents to Kidsgrove 19 answered Yes to every question

No further changes to the draft Order were proposed as a result of the final 6 week consultation therefore it is proposed to approve the Order without further amendment.

## **3. Recommendation**

**3.1 That the committee consider the content of this report and give approval for a Public Space Protection Order for Gating to be granted by Newcastle-under-Lyme Borough Council as per Appendix 1.**

## **4. Reasons**

**4.1** Following ongoing reports of anti-social behaviour at 3 locations in the Borough of Newcastle-under-Lyme, the Council is seeking to use its powers to impose prohibitions to restrict anti-social behaviour and arson in the locality through restricted and partially restricted public rights of way.

## **5. Options Considered**

**5.1** CCTV was considered at the locations in order to deter crime and anti-social behaviour. However, the significant installation and ongoing monitoring and maintenance/repair costs associated with such a scheme are prohibitive and far outweigh the costs of the current gating proposals which are considered to be an appropriate and affordable intervention.

**5.2** 'Do nothing' – residents would continue to suffer from crime and anti-social behaviour. This has not been considered as a viable option as failure to do anything to address these issues could lead to serious injury, fatality and/or serious damage to property in relation to the arsons attacks which have occurred at one of the locations.

- 5.3 Utilise other powers under the Anti-social behaviour, Crime and Policing Act 2014. All tools are considered when addressing problems of anti-social behaviour. However, where it is not possible to identify the individuals responsible other options have to be considered in order to protect the communities who are suffering from its effects.

## 6. **Legal and Statutory Implications**

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

## 7. **Equality Impact Assessment**

- 7.1 An Equality Impact Assessment has been refreshed detailing how the PSPO will impact those who will utilise these public rights of way. Suitable alternative routes are available, therefore it is not considered that a significant adverse impact would result, when balanced against the benefit of reducing or restricting anti-social behaviour.

## 8. **Financial and Resource Implications**

- 8.1 Restrictions are already in place for 'Newcastle 143' and 'Kidsgrove 19'. Funding has been sourced from the Police, Fire and Crime Commissioner for the 'Newcastle 132' (Beattie Avenue) project. Any minor repairs/issues would be completed by Newcastle-under-Lyme Borough Council. Should serious damage be incurred at any of the sites, funding would need to be sourced to repair or replace the gating. Such funding may be available from the Joint Operations Group or ASB funding.

## 9. **Major Risks & Mitigation**

- 9.1 Gates are seriously damaged at location – Police will continue to actively patrol this location to continue to deter ASB. Should damage occur then partners may agree to deploy mobile CCTV cameras to the site in order to identify those responsible. The likelihood of this occurring is low – the gates are high quality, robust gates from a trusted engineering company.
- 9.2 Arson attacks continue at some of the locations causing serious harm to property and/or life – continue to work with partner agencies to see what other measures could be taken in order to deter this type of behaviour. CCTV may be reconsidered if it is felt that this has not been resolved.

## 10. **UN Sustainable Development Goals (UNSDG)**

10.1 The proposal contributes towards the following UNSDGs:



10.2 This project contributes to the UN Sustainable Development Goals above as follows:

- Good health and well-being – this project will help to support the well-being of residents at this location who have suffered from anti-social behaviour and arson for some time.
- Peace, justice and strong institutions – it will help to bring those who cause ASB to justice by assisting the Police and preventing these locations from experiencing Crime and ASB.

## 11. **Key Decision Information**

11.1 Not applicable.

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CIId=435&MIId=4078&Ver=4>

12.2 <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CIId=435&MIId=4076&Ver=4>

## 13. **List of Appendices**

13.1 Appendix 1: Map of proposed restrictions for Newcastle 132 and alternate route.

13.2 Appendix 2: Map of proposed restrictions for Newcastle 143.

13.3 Appendix 3: Map of proposed restrictions for Kidsgrove 19.

13.4 Appendix 4: Public Space Protection for the restriction of Public rights of way (draft order)

13.5 Appendix 5: Copy of the public consultation results round 2.

## 14. **Background Papers**

14.1 None